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SPEECH

OF

Rinsley S.
MR. BINGHAM, OF MICHIGAN,

ON THE

ADMISSION OF CALIFORNIA.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, JUNE 4, 1850.

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THE SLAVERY QUESTION.

Mr. BINGHAM said :

Mr. CHAIRMAN, two years ago I took occasion to express in this Hall my opinion of the constitutionality and expediency of applying the provisions of the Jeffersonian ordinance to the territories recently acquired from Mexico. I stated my belief that slavery was a great moral and political evil; that it was an element of weakness wherever it existed; that it was a hindrance to the growth and prosperity of a State; that it was wholly incompatible with that degree of intelligence which makes labor either respectable or profitable, and that it was our duty to protect these new and feeble territories thrown upon our care, from its dangerous and threatened encroachments. I propose "to take no step backward now." I have seen no reason to change my opinion. The vindication of slavery by its able champions on this floor, has given no attractions to its features, or rendered them any less odious to my view. The argument to support the right to carry slaves into the territories and colonize them, under the Constitution, has proved entirely unsatisfactory; for I regard it as exclusively a State *institution*, protected solely and only by the laws of the State, and no more susceptible of being transferred to the territories and protected by the United States Government, than is the common-school system or the banking system of the State of Michigan.

Mr. Chairman, in the earlier and better days of this Republic, slavery was everywhere, North and South, execrated and denounced as an evil and a curse. Its introduction into this country was made the subject of earnest protest, and its emancipation was regarded as an object which would be accomplished at an early day after the close of the Revolution, and as both desirable and proper. Some weeks since, an honorable gentleman from Ohio, [Mr. CAMPBELL,] and more recently, an honorable gentleman from Maine [Mr. GERRY] introduced to the notice of southern gentlemen, for the purpose of refreshing their recollection, the opinions of their ancestors. For the purpose of my argument, I shall repeat a few of those precious extracts. In an able exposition of the rights of British America, and laid before the convention of Virginia, which assembled in August, 1774, for the purpose of appointing delegates to the proposed Congress, drawn by Thomas Jefferson, is the following extract:

"The abolition of domestic slavery is the GREATEST OBJECT of desire in these colonies; where it was unhappily introduced in their infant state. But, previous to the enfranchisement of the

slaves, it is necessary to exclude further importations from Africa. Yet our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to prohibition, have been hitherto defeated; by his Majesty's negative; thus preferring the immediate advantage of a few African corsairs to the lasting interests of the American States, and the rights of human nature, deeply wounded by this infamous practice."—*Am. Archives, 4th series, vol. 1, p. 696.*

The Congress of Darien, in the colony of Georgia, passed the following preamble to a series of resolutions:

"We, the representatives of the extensive district of Darien, in the colony of Georgia, being now assembled in Congress, by the authority and free choice of the inhabitants of said district, now freed from their fetters, do resolve."

Then follow several resolutions setting forth the grounds of complaint against the oppressions of Great Britain, closing with the emphatic declaration which I will now read:

"To show to the world that we are not influenced by any contracted or interested motives, but by a general philanthropy for all mankind, of whatever climate, language, or complexion, we hereby declare our disapprobation and abhorrence of the unnatural practice of slavery in America, (however the uncultivated state of our country or other specious arguments may plead for it)—a practice founded in injustice and cruelty, and highly dangerous to our liberties as well as lives, debasing part of our fellow-creatures below men, and corrupting the virtue and morals of the rest, and laying the basis of that liberty we contend for, and which we pray the Almighty to continue to the latest posterity, upon a very wrong foundation. We therefore resolve at all times to use our utmost endeavors for the manumission of our slaves in this colony, upon the most safe and equitable footing for the masters and themselves."—*Am. Archives, 4th series, vol. 1, p. 1135.*

In front of the State-House, Philadelphia, was proclaimed the following sentiments:

"We hold these truths to be self-evident, that all men are created equal; that they are endowed with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness."—*Declaration in Congress, July 4, 1776. Thomas Jefferson.*

George Washington, in a letter to Robert Morris, dated Mount Vernon, April 12th, 1786, said:

"I can only say, there is not a man living who wishes more sincerely than I do to see a plan adopted for the abolition of it, (slavery;) but there is only one proper and effectual mode in which it can be accomplished, and that is by legislative authority; and this, so far as my suffrage will go, shall never be wanting."—*Sparks's Washington, 156.*

Again, in a letter to John F. Mercer, dated September 9, 1786, he said:

"I never mean, unless some particular circumstances should compel me to it, to possess another slave by purchase, it being among my first wishes to see some plan adopted by which slavery in this country may be abolished by law."

In his Notes on Virginia, Mr. Jefferson says:

"I think a change already perceptible since the origin of our present Revolution. The spirit of the master is abating—that of the slave is rising from the dust, his condition mollifying, and the way, I hope, preparing, under the auspices of Heaven, for a total emancipation."

Again, Mr. Jefferson says:

"Nobody wishes more ardently than I to see an abolition, not only of the trade, but the condition of slavery, and certainly nobody will be more willing to encounter any sacrifice for that object."

In the Convention which formed our Constitution, Mr. Madison said:

"I think it wrong to admit the idea, in the Constitution, that there can be property in man."

The suggestion of Mr. Madison was adopted, and so zealous were the framers of that instrument to prevent even a color of approbation for the long continuance of the institution, that not even the term slave was allowed to find its way into the Constitution.

In the Convention of the State of North Carolina, when the question of the adoption of our Federal Constitution was under consideration, Mr. Iredell, of that State, said:

"When the entire abolition of slavery takes place, it will be an event which must be pleasing to every generous mind and every friend of human nature."

Mr. Parker, who was a member of the first Congress under the Constitution, from Virginia, during a discussion in relation to that provision of the Constitution inhibiting the slave trade, held the following language:

"He hoped Congress would do all in their power to restore to human nature its inherent privileges, and, if possible, wipe off the stigma which America labored under."

Mr. Mason, of Virginia, while the same provision was under consideration in the Federal Convention that formed the Constitution, said:

"The present question concerns not the importing States alone, but the whole Union. The evil of having slaves was experienced during the late war. Had slaves been treated as they might have been by the enemy, they would have proved dangerous instruments in their hands."

Again, on the same occasion, after having said many things which, if repeated now by any gentleman from the free States, would, in the opinion of gentlemen from the South, entitle him to the sobriquet of "Abolitionist," spoke as follows:

"He held it essential, in every point of view, that the General Government should have power to prevent the increase of slavery."

The institution of slavery at the period referred to, was regarded with so much hostility by the leading men in all parts of the country, that the committee who drafted and reported the Declaration of Independence, felt constrained to, and did assign the fact, that the British King had by his acts fastened it upon the Colonies, as one of the grievances which justified separation. The ordinance of '87, in these words—"there shall be neither slavery nor involuntary servitude therein, except for the punishment of crime of which the party shall have been duly convicted"—received the support of every southern man. Mr. Leigh, in the Convention of Virginia, in 1832, said:

"I thought till very lately, that it was known to everybody, that during the Revolution, and for many years after, the abolition of slavery was a favorite topic with many of our ablest statesmen, who entertained with respect all the schemes which wisdom or ingenuity could suggest for its accomplishment."

These short extracts, Mr. Chairman, disclose the true sentiments of southern statesmen, and exhibit the feelings which pervaded the southern States at the time, and soon after the close of the Revolution, which gave us a name and a rank among the nations of the earth. Freedom, liberty, emancipation, was the great idea. But, Mr. Chairman, a change has come over the spirit of the South. One after another the founders of the nation have passed away; a new generation has succeeded them. A life of luxurious indolence is entirely inconsistent with emancipation. It is easier to appropriate the proceeds of the labor of others than to earn, by honest industry; and labor, once honorable, has become degraded, for who would be the yoke-fellow of the slave? New slave States have been added to the Confederacy, and new territory acquired, political power has thereby been obtained, and ambition has been gratified. The Senator from Massachusetts attributes this sudden change—by which, instead of considering slavery "an evil, a blight, a blast, a mildew, a scourge, and a curse, it has become a cherished institution; no evil, no scourge, but a great religious, social, and moral blessing—to the sudden uprising and rapid growth of the cotton plantations of the South." Whatever the cause may be, it is certain that the change has taken place; and for the purpose of letting my con-

stituents see what the sentiments of members of this House are, I append a few extracts from their speeches, delivered the present session:

"It has been said that *slavery is a 'doomed institution';* and so I believe—'doomed' to exist forever. It is one of the oldest institutions among men. In every age, in every clime, it has been practiced and sanctioned by mankind, whether acting upon the light of nature or of revelation. Indeed, among men, Christianity itself has not so many evidences in its favor—a small part of mankind have been Christians, while the practice of slavery has been universal. Solon and Lycurgus are known to us by the fame of their legislation: they made no laws against slavery. Greece and Rome, the most distinguished and civilized of ancient nations, were slaveholders. Our Constitution, the work of our fathers, recognizes it. Our Saviour stood upon the world amid slaves, where the master had power over the life of the servant—he did not rebuke it or denounce it as a crime. And I trust that I will be pardoned for resting my conscience upon these high authorities, and for declining to commit it to the keeping of these modern free-soil saints, who have so much trouble in *keeping their own.*—(*Speech of Hon. J. H. SAVAGE, of Tennessee, May 13.*)"

But, sir, slavery is not only justified, but it is claimed that it was the design of the framers of the Constitution to extend and perpetuate it. I will read another extract:

"To extend the institution indefinitely, it [the Constitution] prohibited the passage of any law to stop the importation of slaves from Africa, and elsewhere, prior to the year 1808. Another clause, with a view to its perpetuation forever, provides for the recapture of fugitives who escape to non-slaveholding States. Notwithstanding these plain stipulations between the slaveholding and non-slaveholding States, constituting the essential, vital provisions of the Constitution, without which all admit the Confederation could not have been formed, we are cantingly told that 'slavery is a sin, and the North is opposed to its extension.' 'We, the philanthropists of this day, are better than the sages and heroes, purified by the trials of the Revolution, and covered with its glories, who assembled in the old hall of the Confederation in 1787.' I have no reply to make to these pharisaical pretensions; they are beneath contempt. I am content with the religion of the Bible, and the Constitution of our fathers, uncorrupted by the comments of the pseudo moralists and statesmen who now shed their coruscations upon us. I shall certainly not condescend to reply to the puling sophistry upon this subject, so often heard in this House. Were I disposed to argue the question of slavery, without reference to the Constitution, in all its relations, religious, moral, social, and political, no fear of its successful vindication would restrain me. It would seem to be profanation to call an institution of society irreligious or immoral, which is expressly and repeatedly sanctioned by the word of God; which existed in the tents of the patriarchs; and in the households of His own chosen people."—*Speech of Hon. Mr. Inge, of Alabama.*

An honorable gentleman from Mississippi, [Mr. FEATHERSTON,] says,

"That slavery is the natural, the proper condition of the African—one that is advantageous to his master, and a great blessing to him."

An honorable gentleman from Virginia, [Mr. BOCOCK,] from the land of Washington and Jefferson, says:

"It is now asserted that slavery is '*a moral evil,*' in other words, a sin, and consequently that those who hold slaves, are guilty therefor. Sir, when I look to those enduring precepts of moral conduct which, mocking all change, and defying all flight of years, shall be made more and more illustrious as eternal ages shall crown them with the fruits of their happy influence, I see slavery there tolerated, I had almost said inculcated. * * * Satisfied ourselves that there is no *immorality* in it, we have a very slight opinion of those who are so egregiously wounded in conscience for us."

And the honorable gentleman from Mississippi [Mr. BROWN] says:

"You think that slavery is a great evil. Very well, *think so;* but *keep your thoughts to yourselves.* For myself, I regard slavery as a great moral, social, and religious blessing—a blessing to the slave, and a blessing to his master."

An honorable gentleman from Alabama, [Mr. ALSTON,] in reply to an honorable member from New York, who had stated that the South acknowledged the *sin* and evil of the institution, and yet sought to extend that evil to others, said, "that the South entertained no such opinions," and added, "We are told by St. Paul that if there had been no law, there would have been no sin;—then sin must be a violation of divine law; and I shall proceed to show that slavery is not a violation of that law, and therefore no sin." The remainder of his hour was devoted to

the proof that slavery was a *divine* institution, established by the law of God; that the public wealth and happiness were promoted by it, and that it was our duty to perpetuate and extend it. I leave the question of its origin, Mr. Chairman, to be settled by theologians; with that I have, at present, nothing to do; my only object in making these quotations is to show, that while the statesmen and people of the North have consistently and uniformly regarded slavery as an evil, that the sentiment and action of the South has undergone a change, and that from a unanimous desire which they once entertained to restrict its limits, and to gradually but finally exterminate it from the land, they have put forth their mightiest efforts to strengthen, extend, and perpetuate it. This desire on the part of southern statesmen was first exhibited in the celebrated Missouri controversy. They were unwilling to relinquish a single acre of that immense Louisiana purchase from the grasp of the slave power. Then, as now, the stability of the Union was menaced, and the North was taunted with the threat of a southern confederacy; but in the settlement of the controversy, a southern President, with a southern Cabinet, of which Mr. Calhoun was one, distinctly acknowledged the power of Congress over slavery in the territories. The same spirit was manifested in the Florida purchase. But it was never so boldly and shamelessly exhibited as in the negotiations for the annexation of Texas. I propose, Mr. Chairman, to make some quotations from the celebrated correspondence which preceded the treaty, under Mr. Tyler's administration, that my constituents may see the motive which prompted southern statesmen to enter into that negotiation, and also to convince them of the propriety, nay absolute necessity, of ingrafting the anti-slavery restriction into the two and three million bills which afterwards proposed the acquisition of Mexican territory, and into territorial governments now that the country is acquired. These negotiations were based upon the assumption that the British Government was exerting its influence to obtain from Mexico the recognition of Texan independence, a condition of which was, that slavery was to be abolished in Texas. This excited in the minds of the southern slaveholders in the Cabinet the greatest alarm, and the powers of the Government were put forth to prevent it. In a dispatch to Mr. Murphy, the Secretary of State, Mr. Upshur says:

"A movement of this sort cannot be contemplated by us in silence. Such an attempt upon any neighboring country would necessarily be viewed by this Government with very deep concern, but where it is made upon a nation whose territories join the slaveholding States of our Union, it awakens a still more solemn interest. It cannot be permitted to succeed without the most strenuous efforts on our part to arrest a calamity so serious to every part of the country."

Again he says:

"But there is another view of this subject still more important to us, and scarcely less important to Texas herself. The establishment, in the very midst of our slaveholding States, of an independent government, forbidding the existence of slavery, and by a people born, for the most part, among us, reared up in our habits, and speaking our language, could not fail to produce the most unhappy effects upon both parties. If Texas were in that condition, her territory would afford a ready refuge for the fugitive slaves of Louisiana and Arkansas, and would hold out to them an encouragement to run away, which no municipal regulations of those States could possibly counteract."

Again, in another dispatch, he says:

"There is no reason to fear that there will be any difference of opinion among the people of the slaveholding States; and there is a large number in the non-slaveholding States, with views sufficiently liberal to embrace a policy absolutely necessary to the salvation of the South, although, in some respects, objectionable to themselves."

In another dispatch, in which he is speaking of Texas remaining an independent government, and of its being peopled by emigrants from Europe, he says:

"But the first measure of the new emigrants, as soon as they shall have sufficient strength, will be to destroy that great domestic institution upon which so much of the prosperity of our southern country depends.

"I will only add, that if Texas should not be attached to the United States, she could not maintain that institution ten years—and probably not half that time."

Mr. Calhoun succeeded in the Department of State, and in his first letter to Mr. Packenham, the British Minister, taking up the correspondence where it was left by the untimely death of Mr. Upshur, after a detailed statement of the history and condition of slavery in the United States, he says:

"That what is called slavery is, in reality, a political institution, *essential* to the peace, safety, and prosperity of those States of the Union in which it exists."

And, after the treaty was concluded, in a dispatch communicating the fact to the Mexican Government, he assigns as a reason for annexation—

"That the step was forced on the Government of the United States, in self-defence, in consequence of the policy adopted by Great Britain in reference to the abolition of slavery in Texas. It was impossible for the United States to witness with indifference the efforts to abolish slavery there." * * * "And that, if accomplished, it would lead to a state of things dangerous in the extreme to the adjacent States, and the Union itself."

These extracts, Mr. Chairman, from a voluminous correspondence carried on in secret—all knowledge of which was entirely excluded from the American people, and which never saw the light of day until the veil of secrecy was removed after the rejection of the treaty—are sufficient, I trust, to establish the fact that the southern slaveholders desired the annexation of Texas, principally for the purpose of strengthening and perpetuating slavery.

These reasons for the annexation of Texas were exclusively southern reasons; but to the North, a different language was held; and the Hon. Mr. Walker, late Secretary of the Treasury, in a public letter, extensively circulated at the North, after stating elaborately the public benefits which would be gained by annexation, thus refers to slavery:

"The question is asked, 'Is slavery never to disappear from the Union?' This is a startling and momentous question; but the answer is easy, and the proof is clear. *It will certainly disappear if Texas is reannexed to the Union*—not by abolition—but slowly and gradually, by '*diffusion*,' as it has thus already nearly receded from several of the more northern of the slaveholding States; and as it will continue thus more rapidly to recede by the reannexation of Texas, and, finally, in the distant future, without a shock, without abolition, without a convulsion, disappear into and through Texas into Mexico and Central and Southern America."

This plausible theory, which was also presented in a speech by Mr. Buchanan, in the United States Senate, was intended "exclusively for the northern eye." The entire negotiation, and the correspondence, were known only to southern men, and conducted exclusively by them. The public never would have seen it, if, long after, a majority of the Senate had not removed the injunction of secrecy. Indeed, sir, I believe that nearly every man who voted for the treaty, strenuously opposed and voted against the publication of the correspondence. Texas was annexed. The people of the North who supported it, were governed, I trust, by motives far higher, and far more worthy, than any which related to the question of slavery. The joint resolutions which passed both Houses of Congress, contained an alternative, which was dictated by the wisdom of Mr. Benton, and which was intended to avoid any misunderstanding or collision with Mexico, and to the adoption of which,

the faith of the outgoing and incoming Administrations were solemnly pledged. That pledge was broken, and we were soon hurried into a war. I do not say that that was an unjustifiable war. I have no desire to condemn it, much less to detract from the well-earned fame of the brave men who fought and won the battles—conferring imperishable renown upon their country. I think it might have been avoided. But I ask any dispassionate man to look at this matter honestly, and say, if he can, that the acquisition of additional territory, which was contemplated at the beginning, was not intended to be made *slave territory*, and to strengthen the slave power? Why the precipitate, not to say dishonorable, abandonment of that “clear and unquestionable” title to Oregon, which was asserted in the Baltimore Convention, which was coupled with Texas throughout the campaign; and which was repeated in the inaugural address? Would not the same objections apply to a free border State beyond Texas, which were urged with so much zeal in favor of annexation? Do we not daily hear them urged now? Why, sir, this very thing was foretold with the precision of prophecy. An honorable Senator from New Jersey, [Mr. DAYTON,] in the debate upon the annexation of Texas, used the following language:

“Can we believe, for an instant, that the South will be contented with the Rio Grande? No, sir; no, sir. As certainly as when the time shall come when she has filled up this wide area, the South will again demand extension at our hands. Sir, if this country hold together, I put this prophecy on record—I stake my reputation with posterity—that our southern States will walk with us step by step, and side by side, to the Pacific ocean.”

Sir, I know not what conclusions others may arrive at, but my own convictions are clear, that the Wilmot proviso was both expedient and proper, and that the northern man who preferred freedom to slavery, would have proved recreant to the high trust conferred upon him—recreant to the cause of civil liberty—recreant to the rights and interests of the free labor of the North—if he had failed to vote for it and sustain it. Sir, what is this “Wilmot proviso,” which has been stigmatized by every opprobrious epithet, which has been denounced as an “abolition scheme,” as “a vile abstraction,” a “firebrand of discord”—which the *Democratic* editor of the *Pennsylvanian* characterizes as the invention of some “witty and cunning political juggler”—which the editor of the *Union* denominates a “pestilent heresy?” Sir, it is nothing more nor less than the proposition of the noble Virginian, applied in 1787, to the country I have, in part, the honor to represent, and by which it was declared, that “*there shall be neither slavery nor involuntary servitude, otherwise than for the punishment of crimes.*” Sir, the five great States northwest of the Ohio, with their millions of people, with their teeming cities, their thriving villages, with thousands of happy homes—made happy by the industry of prosperous freemen—with their churches, and colleges, and schools, with all the elements of present wealth and future greatness, owe a debt of gratitude to the memory of Thomas Jefferson, for that honored and celebrated “*proviso*,” which will stand in the undying records of his fame, second only to that of the Declaration of Independence.

Mr. Chairman, we are bound by the obligations of justice and good faith, to protect these feeble territories, conquered by our arms, from the encroachments of slavery. What was the nature of the proclamation furnished by Mr. Polk, through the War Department, to General Taylor, and published to the people of New Mexico?

"We come to make no war upon the people of Mexico, nor upon any form of *free government* they may choose to select for themselves."

This was the language of General Taylor's proclamation. Did the people there select "*any form of free government?*" Sir, in a petition presented to the United States Senate, from the people of New Mexico, assembled in convention, is this declaration:

"We do not desire to have domestic slavery within our borders; and until the time shall arrive for our admission into the Union as a State, we desire to be protected by Congress against its introduction among us."

And yet, sir, with this cry for protection coming up from the people, Congress hesitates and falters about fulfilling the solemn, plighted faith of the Government! Similar orders were issued to General Kearny. I quote from the letter of the Secretary of War:

"You may assure the people of those provinces [California and New Mexico] that it is the wish and design of the United States to provide for them a *free government, similar to that which exists in our territories.*"

Sir, is slavery a necessary element of a free government? They were promised a government similar to that which existed in *our territories*; and the only government existing in our territories at that time—that of Wisconsin—was entirely free, and shielded by the provisions of the ordinance of 1787. Shall our first act towards these people, who have submitted to our arms, and placed themselves under our protection, be a breach of plighted faith? When this weak and defenceless people lift up their hands and pray to be "*protected against the introduction of slavery amongst them,*" shall we present ourselves to the world in the attitude of disregarding our pledges, and tell them their prayer is *insolent*? Shall we

"Keep the word of promise to the ear
And break it to the hope?"

God forbid!—Again, Mr. Chairman, we are told that this is "*an impracticable and barren proviso,*" that it is "*an abstraction,*" and entirely "*unnecessary,*" and that slavery is "*excluded by the law of nature, of physical geography, the law of the formation of the earth.*" Sir, if there is an intelligent man in the district I have the honor to represent, who does not know that this is a weak invention of the abettors of slavery propaganda, calculated exclusively for the meridian of the North, intended to lull the friends of free labor into a false security, while their rights and their interests are betrayed,—if there is a single man, I repeat, who believes that this country has "*been brought to an alarming crisis*" by a protracted struggle of four years for a "*mere abstraction,*" I will tell him what the opinions entertained by southern men are who oppose this slavery restriction. I read from the speech of Mr. SEDDON, of Virginia:

"We of the South, Mr. Speaker, are not struggling against a name, nor are we to be deluded by shadows. We are claiming a substance and a reality. We demand fair participation in our common acquisitions, or at least equal opportunity of enjoying them. I know some think the nature of these countries and the necessities of their climate and productions must exclude slavery. So do not I. In all new countries where labor is dear, and domestic servants particularly are not to be obtained, if law allows, the conveniences and desires of men will, in my opinion, demand slaves. In mining operations they would confessedly be most valuable; and at this very moment, did the South enjoy her rights, her whole slave property would already have felt the appreciation of a large demand for emigration to California.

* * * * *

"All sensible men know that, in relation to California, the agitation and threat of the Wilmot proviso has been very nearly tantamount to its enforcement for our exclusion. Slaves are in the nature of capital, which is proverbially timid, and could not be carried in while there was the impending threat and danger of compulsory abolition.

"But the discovery of the wonderful mines and the consequent amazing enhancement of the value of labor in California, increased daily the likelihood that slaves would be needed and

introduced in numbers sufficient to determine the choice of the people as to their institutions. From realizing this strong probability, we are effectually precluded by the State constitution of California.

* * * * *

"Evasion of the just responsibility of encountering the pernicious free-soil doctrines, has involved in its unconstitutional usurpations, plunged it into innumerable embarrassments, and inflicted on the South foul wrong. And are these things to be eluded under the specious plausibilities of respect for the people of the territories and non intervention? Respect for the rights of the people in thousands of miles of vacant territory, where in fact there are *no people*, is to justify the utter disregard of the rights of the people of half the States of this Union, the sole proprietors and sovereigns of the whole! Non-intervention with the supporters of this Administration was not wont to be advocated or defended. But let that pass. Properly understood, it could only contemplate that the citizens of all the States of the Union should be equally free to enter and settle with their property on the common territories of the Union,—slaveholders and non-slaveholders to be on precisely the same footing of equality and right, and to be equally protected by the law and policy of the Government."

The following are extracts from the speech and address of the Hon. Mr. BROWN, of Mississippi:

"As I could respect the reckless and bold robber who, unmasked, presents his pistol and demands my money or my life, above the petty, but expert pickpocket, who looks complaisantly in my face while he steals my purse,—so can I respect the dashing, and dare-devil impudence of the Wilmot proviso, which robs the South, and takes the responsibility, above the little, low, cunning, slight-of-hand scheme, which robs us just as effectually, and leaves us wondering how the trick was performed."

"My own opinion is this: that we should resist the introduction of California as a State, and resist it successfully; resist it by our votes first, and lastly by other means. *We can, at least, force an adjournment without her admission.* This being done, we are safe. The southern States, in convention at Nashville, will devise means for vindicating their rights. I do not know what these means *will be*, but I know what they *may be*, and with propriety and safety. They may be to carry slaves into all of southern California, as the property of sovereign States, and there hold them, as we have a right to do; and, if molested, defend them, as is both our right and duty."

"We ask you to give us our rights by NON-INTERVENTION; if you refuse, I am for taking them by ARMED OCCUPATION."

The following remarks were made by the Hon. MR. CLINGMAN, of North Carolina:

"I may remark further, *that but for the anti-slavery agitation, slaveholders would have carried their negroes into the mines of California in such numbers, that I have no doubt but that the majority there would have made it a slaveholding State. We have been deprived of all chance of this by the northern movements, and by the action of this House, which has, by northern votes, repeatedly, from time to time, passed the Wilmot proviso, so as in effect to exclude our institution, without the actual passage of a law for that purpose.*"

I might go on, Mr. Chairman, with extracts like these to an indefinite extent, but I will only add a single one from a speech delivered in the Senate by the Hon. MR. MASON, of Virginia:

"Sir, the point of division between the States where slavery exists, and the States where slavery does not exist, is this: We claim, under the Constitution, a right in law, for all or any of our citizens to go into any territory belonging to the United States, with all or any of their property, and to reside there, and to enjoy it as their property, without molestation or hindrance, under the protection of the Constitution, so long as it remains a territory. We hold that a territory is, in the terms of the Constitution, 'the property of all the United States;' and so long as the southern States, where slavery exists, are constituents of these United States, they have the right to go into that territory, to reside there with their property, and to enjoy it under the protection of the Constitution. That is the right, clearly, and I hope distinctly, defined upon the part of the South, so far as I understand it."

* * * * *

"We have heard here from various quarters, and from high quarters, and repeated on all hands—repeated here again to-day by the honorable Senator from Illinois, [MR. SHIELDS.] that there is a law of nature which excludes the southern people from every portion of the State of California. I know of no such law of nature—none whatever; but I do know the contrary, that if California had been organized with a territorial form of government only, and for which, at the last two sessions of Congress, she has obtained the entire southern vote, the people of the southern States would have gone there freely, and have taken their slaves there in great numbers. They would have done so because the value of the labor of that class would have been augmented to them many hundred fold. Why, in the debates which took place in the convention in California which formed the constitution, a calculation was gone into with reference to the value of the labor of this class of people, showing that it would be increased to such an ex-

tent in the mines of California that they could not be kept out. It was agreed that the labor of a slave in any one of the States from which they would be taken was not worth more than one hundred or one hundred and fifty dollars a year, and that in California it would be worth from four to six thousand dollars."

Mr. Chairman, if this is not a triumphant refutation of the *pretence* that it is not necessary to exclude slavery by positive enactment, because the laws of the climate or the laws of the country exclude it, I know not what proof would be necessary; and yet, sir, we are asked to listen to the syren song of non-intervention! Non-intervention! Let not him who regards the dignity of free labor be ensnared by it, for it is the cry of "peace! peace! when there is no peace." Mr. Chairman, if the supporters of the "Wilmot proviso," in the last Congress, among whom I am proud to be numbered, needed any other vindication from the attacks which were made upon them, except the approval of their own consciences, for so strenuously insisting upon it, it is furnished in these extracts which I have read.

"If California had been organized with a territorial form of government only, and for which, at the last two sessions of Congress she has obtained the entire southern vote, the people of the southern States would have gone there freely, and have taken their slaves there, in great numbers."

This is the emphatic and authoritative language of the distinguished Senator from Virginia. Sir, the *men* who made determined and effectual resistance to the "Clayton compromise," the "Walker compromise," and all the other compromises, by which it was intended to open a great slave market on the shores of the Pacific, need no higher encomium; and the *men* who wish to place a barrier against its onward march through New Mexico to the southern extremity of North America, need no higher incentive for opposition to the "*scheme of pacification*," the "*plan of adjustment*," which has recently been so imposingly ushered by the famous committee of thirteen. Mr. Chairman, I have hitherto spoken of the change which has taken place in the South in relation to slavery. I have shown that while the statesmen who have passed off the stage deplored its existence, and contemplated its speedy extinction, the public men of the present day regard it as a proper relation between labor and capital, "a blessing to the master, and a blessing to the slave;" and I have also shown that the diplomatic and legislative powers of this Government have been wielded for the purpose of strengthening and perpetuating it. In addition to all this, a new element has been brought to its aid. This question has been caught up by southern politicians, and held out as a bait to tempt the ambition of northern men. The great Democratic party of the country, the party which professes to be the advocate of the largest liberty, the friend of perfect equality, the opponent of all exclusive and separate privileges—the liberal party, the party of progress and reform—the party which can sympathize for the wrongs of suffering Ireland, which can denounce the cruelties of Austrian oppression, which congratulates revolutionary Europe in every effort to throw off the yoke of bondage—the party which has aimed to give the fullest extent of freedom to man—has been made, or sought to be made, the instrument for converting the free territory we have acquired, and which should be consecrated to free labor, into the abode of slavery. Whether the secret negotiations to which I have referred, and to which publicity had not been given, had any influence upon the Baltimore Convention of 1844, I am unable to say; but when the new Administra-

tion asked from Congress an appropriation of two millions for the purpose of acquiring territory, and the condition was proposed that it should not be changed from a land of freedom to a land of slaves, it was coldly received, and the Union newspaper, the organ here, was made to say, "it is no recommendation, as a friend of the Administration, to be the friend of the Wilmot proviso." This significant hint was soon understood by the swarms of men who live by official patronage, and by a press which was largely dependent upon Government favor for support.

Mr. Chairman, it is very well known, that to all the leading measures of the last Administration, I gave a cordial and hearty support. Its liberal system of finance, which removed, in a great degree, the restrictions upon commerce—its admirable system for the collection and safe keeping of the public revenues—its warehouse system, and the able manner in which the war with Mexico was conducted—were measures which received the approval of my judgment, as they were sanctioned by a large majority of the country; but I think I do it no injustice when I say, that its whole power and patronage were employed to prevent the application of the ordinance of Jefferson to the Oregon and Mexican territories, and that its official influence was exerted to crush some of the purest and best Democrats in the land, simply because they were the advocates of the cause of freedom. As the National Convention for 1848 approached, a new test was sought to be interpolated into the Democratic creed. On the 10th of December, 1847, the Legislature of Alabama, being about to elect a United States Senator, addressed a number of interrogatories to Mr. King and Mr. Dixon H. Lewis, who were candidates for the place, among which was one asking them if they would support the nominee of the Baltimore Convention for the office of President. To this interrogatory Mr. King replied:

"I will pledge myself to sustain the Democratic nominees of a National Convention for President and Vice President, *provided they are opposed to the Wilmot proviso*, or any interference by the General Government with the question of slavery as it exists in the southern States."

Mr. Lewis replied:

"Without especial preference for any individual, if I were to indicate a choice for President, it would be in favor of the *soundest* Democrat from the free States, *taking the highest, boldest, and most decided ground against the Wilmot proviso.*"

On the 22d of December of the same year, the State Convention of Georgia selected her delegates to the National Convention, and passed the following resolutions:

"*Resolved*, That the Democratic party of Georgia will support no man for the office of President or Vice President, who shall not have clearly and unequivocally declared their opposition to the *principles of the Wilmot proviso.*

"*Resolved*, That it is the constitutional right of every citizen to remove and settle with his property into any of the territories of the United States."

Similar resolutions were soon after passed by the States of Virginia, Alabama, and Florida,—one of which declared, "*that under no political necessity whatever*" would they support any man opposed to the extension of slavery. Mr. Buchanan, in his celebrated Berks county letter, had already yielded to the demands of the South. General Cass was known to have favored the two million bill, which passed the House with the Wilmot proviso, and to have expressed his regret at its defeat by a protracted debate in the Senate. At the next session he contented himself with voting against the proviso, on the ground of its being inappropriately applied to a war bill; but he wrote a private letter to one of his

constituents which, afterwards found its way into the public prints, in which he declared that its passage would be "*death to the war, and death to the Democratic party.*" On the 31st of December, 1847, there appeared in the Union newspaper in this city, the celebrated "Nicholson letter," in which he took ground against both the constitutionality and expediency of applying the provisions of the ordinance to the bills for the government of the Territories. I mention this remarkable coincidence of dates, without the least intention of calling in question the sincerity of the distinguished Senator from Michigan, but for the purpose of corroborating his own statement, "That a great change had been going on in the public mind, his own as well as others." The Baltimore Convention met. The delegates from the free States submitted, without a murmur, to the degrading conditions imposed upon them by the South, and General Cass was nominated. The people of Michigan were dumb-founded with horror at the reception of the "Nicholson letter." General Cass had been sixteen years Governor of the Territory of Michigan. Yet notwithstanding the prosperity of the State was greatly indebted to the ineffaceable marks of the wisdom and foresight of his administration, notwithstanding his great and well-deserved personal popularity, and the efforts of his friends, he was left by the people at the election in a minority of 3,642 of the popular vote; and with the single exception of the State of New Hampshire, he failed to obtain a majority of the votes of either of the free States; and at a time when every measure of the Democratic party was in full and successful operation, with an overflowing Treasury, and our country in a state of unexampled prosperity, we were beaten. Mr. Chairman, others may speculate as to the causes of that defeat; I have no hesitation in ascribing to that fatal "Nicholson letter," the doctrines of which were received by the people with such perfect loathing, the loss of the North, while the slaveholders of the South preferred to vote for the owner of a sugar plantation, with three hundred negroes. This was a mortifying defeat; but it may well be borne, if it inculcates this useful lesson, that in this noon of the nineteenth century, when the down-trodden nations of Europe are bursting the fetters of tyranny, which have bound them to the earth for ages—when every breeze from across the Atlantic wafts with it the cry of liberty and the inalienable rights of man from the uprising masses,—the northern statesman, to be successful, must prove true to the interests of the free labor which he represents, instead of becoming an accessory to the cupidity of the southern slaveholder, who would doom his fellow man to perpetual bondage.

At the same election in Michigan, three members of Congress were chosen, pledged to oppose the extension of slavery, and also a large majority of the members of the Legislature, who, upon assembling in January, reaffirmed the oft-expressed opinion of the people, that Congress had the constitutional power, and that it was their duty to execute it in the exclusion of slavery from the territories. Indeed, sir, I do not know of a public meeting, or of a convention, or a newspaper in the State, which has sustained the doctrines of that "letter." But, Mr. Chairman, it has been heralded by the *Union* newspaper, that the last Michigan Legislature has "repudiated the *Wilnot proviso.*" Sir, they have done no such thing. They have, indeed, by a vote of 24 members

out of 66—20 being *accidentally* absent—passed a series of resolutions: but did they *rescind* the oft-expressed deliberate judgment of the people of Michigan, that the Constitution conferred the power upon Congress to prohibit slavery in the territories? No, sir. On the contrary, the popular branch had the impudence to reassert the doctrine. Did they *rescind* the resolution that it was the solemn duty of Congress so to prohibit by express enactment? No, sir. Did they *rescind* the resolution that it was the duty of Congress to break up the infamous traffic in human beings in the city of Washington, and in sight of the flag that floats over the Capitol? No, sir, they did no such thing. They *dared* to do no such thing. But they did pass a set of resolutions of the following import: "Whereas, the people of Michigan are opposed to the extension of slavery." Yes, sir, these are their very words, "opposed to the extension of slavery," therefore Resolved, That if our Senators are very anxious to relieve their Nashville Convention friends from the ridiculous dilemma in which they find themselves placed, or if they really believe 'that the Union will be broken into fragments' unless slavery is allowed to cross the Rio Grande, they are permitted, "by voice and vote," to do as they please. They may vote for the omnibus bill; they may vote for a clause allowing the people themselves to settle the question of slavery, or they may vote for a clause prohibiting their action; they may vote for the Missouri compromise line, or vote against it, as shall best subserve the wishes of the South, and thereby save the Union. The State of Michigan, in consideration of the extraordinary concession made by the distinguished Senator from Mississippi, in consenting to postpone the day for the dissolution of the Union, humbly presents this as her "peace offering." This, Mr. Chairman, is the substance of the resolutions which the *Union*, in publishing, prefaced with the remark that "the language was as felicitous as the sentiments were praiseworthy." In the county of Lenawee, one of the most populous counties in the district represented by my honorable friend, [Mr. BUELL,] a Democratic Convention was held on the 13th of September, 1849, preceding the annual election, and on the 18th of April, 1850, another was held preceding the election of delegates to a Constitutional Convention. The resolutions passed at the two conventions of the same party were somewhat dissimilar, and I will read them:

Resolutions of the Lenawee county Democratic Convention, September 13th, 1849.

Resolved, That in common with all the free States of the Union, we are opposed to the institution of slavery, believing it to be adverse to the great principles of human freedom, while we are willing to yield to the southern States all their constitutional rights, and are opposed to any interference by Congress with the institutions of slavery in the southern States, where it now exists.

Resolved, That we approve of the principles of the Jeffersonian ordinance, proposed in 1784, and adopted in 1787, and believe that the unexampled prosperity of the Northwest is mainly owing to the beneficial influences of its principles.

Resolved, That the act passed by Congress to organize the Territory of Oregon, in which is a clause to prohibit slavery or involuntary servi-

Resolutions of the Lenawee county Democratic Convention April 18th, 1850.

Resolved, That the efforts of our distinguished Senator, General Lewis Cass, at the present session of Congress, to preserve the integrity and harmony of our glorious Union, guided by a wisdom and judgment, and enforced by an eloquence rarely equalled, deserve the warmest thanks and acknowledgments of every Democrat and friend to his country, and are peculiarly gratifying to the Democracy of this county, who were the first to present his name as a candidate for the Presidency in 1843, in this State.

Resolved, That those Democrats in our Legislature who voted to tender their thanks to our Senators and Representatives in Congress for their efforts in behalf of the Union, and to relieve Gen. Cass from the necessity of resigning at present, when his continued exertions might be most required to promote the nation's best

tude except for crime in that territory, acknowledged the power of Congress over the subject of slavery in the territories of the United States. interests, deserve our warmest approbation, and shall receive our continued support.

Resolved, That we are in favor of the exercise by the General Government of all their constitutional powers to prohibit the introduction of slavery into the territories of the United States, and to prevent its extension into those territories.

The comment which I wish to append to the introduction of these resolutions is the significant fact, that at the election after the passage of the first, the county gave its usual Democratic majority, and that the ticket which was nominated by the Convention which passed the last, was beaten by an average majority of 480 votes.

Mr. Chairman, this same Legislature of Michigan also unanimously passed resolutions in favor of the *immediate* and unconditional admission of the free State of California into the Union. For six months she has been knocking at the doors of Congress. The bill for admission has been retarded, and loaded down, and embarrassed, by the votes of northern men. The California representatives would long ago have had their seats on this floor, and this new sister from the Pacific coast would have been welcomed among the constellation of States, if its *pretended* northern friends had not been uniformly aiding by "their voices and votes," and coöperating with the avowed opponents of the measure. Sir, if a vote could have been obtained, no one doubts that California would long ago have been admitted, and no one, I think, need doubt the judgment of a discriminating people, in fixing the responsibility for staving off and preventing that vote in the proper quarter.

Mr. Chairman, aside from the denial of the constitutional power of Congress to govern the territories contained in the Nicholson letter, and which seems to have found but few supporters, either North or South, a power which the distinguished Senator has recently claimed for Congress, *outside* of the Constitution, and in relation to which he said, "certainly, it is the *moral duty* of any country holding distant possessions, to institute governments for the preservation of social order, and *here, and here alone*, is the foundation of government, as exercised by Congress,"—there was one other position taken, from which I am bound to dissent. It is in these words: "The question that presents itself is not a question of the increase, but of the *diffusion* of slavery—whether its sphere be *stationary or progressive*, its amount will be the same. The rejection of this restriction will not add one to the class of servitude, nor will its adoption give freedom to a single being who is now placed therein; the same numbers will be spread over greater territory, and so far as compression with greater abundance of the necessaries of life is an evil, so far will that evil be mitigated by transporting slaves to a new country and giving them a larger space to occupy." Now, sir, if I understand this proposition, it is an argument in favor of extending slavery into these new territories. If that be its intent and meaning, I can only say that it contrasts strongly with the views and opinions of Jefferson, who labored so ardently to *reclaim* the Northwest Territory from its encroachments, with a view to its final extinction. But will the '*diffusion*' of slavery not increase it? There has been added *in States* to this Confederacy since its formation, exclusive of the territories, a million of square miles. The population of whites has increased from three to twenty

millions, and of slaves from half a million to three millions. Now, sir, does any man believe that this unexampled increase in population, whether of slave or free, if they had been confined to the original States, would have taken place? No, sir, this continual assertion of the right to carry their property into the new territories, is to gain new markets for the sale of slaves. The honorable gentleman from Virginia, [Mr. MEADE,] in a recently published speech, says, "Virginia has a slave population of near half a million, whose value is chiefly dependent on southern demand." The recent rise in cotton is said to have increased greatly the price and demand for negroes; and the *North Carolinian*, published at Fayetteville, says that the number passing through Wilmington for the Charleston market averages twenty-five a day! This inhuman and barbarous traffic, the contemplation of which elicited from Jefferson the exclamation that "he trembled for his country when he reflected that God was just, and that his justice would not sleep forever," and which Lord Brougham, in the British Parliament, characterized as "one of the most execrable crimes (for he would not designate it by the honorable name of traffic) that could disgrace a people, the being engaged in the sale of our fellow creatures"—is increased by the "*diffusion*" of slavery. And the same gentleman from Virginia, in view of the restriction, says: "If we intend to submit to the policy of confining the slaves to the present limits, we should commence *forthwith* the work of gradual emancipation—it is an easier task for us than our children." The gentleman from Alabama [Mr. HILLIARD] expressed the same opinion: "We must make up our minds either to resist the interdiction of the progress of slavery, or to submit to an organic change in our institutions." In these two short extracts the case is fairly stated: the "perpetuation of slavery by "*diffusion*," or its "gradual emancipation" by confining it to its present limits.

Mr. Chairman, the Canada thistle is a noxious and troublesome plant to the agriculturists of the North; its introduction upon the farm of the careful husbandman is considered a great evil; every portion of the premises is watched with the utmost care against its insidious approach, and the first plant that is discovered is immediately uprooted. If you were to ask the proprietor of the soil which he would prefer, a few scattering plants on one corner of the farm, or a general '*diffusion*' over the whole estate, I think there would be little doubt as to the character of the answer.

It has also been said, Mr. Chairman, that because Congress had not the power to establish slavery by law, therefore, Congress had no power to legislate in relation to slavery. Sir, slavery was never established either by the law of nature, or any other law. It is the creature of force and wrong; it was never *lawfully* introduced into any country—it found its way into every State of this Union by violence. I am corroborated in this statement by the honorable member from Tennessee, [Mr. HARRIS,] an extract from whose speech contains these words: "A law creating slavery, is not to be found upon the statute books of a solitary State in this Union."

It is a matter of great indifference to the slaveholder whether he carries his slaves into the territories by law or not, the only thing he dreads is a law of Congress to prevent it. Congress can neither establish mail

robbery or piracy by law, but it can pass laws to prevent, and punish those offences.

Mr. Chairman, a leading Democratic paper in Michigan, the "Detroit Free Press," in a recent editorial article commenting upon the action of Congress upon the territorial measures, utters the following sentiment:

"The true plan, which ought to be adopted, would be the old Democratic one, for which we have always contended—that Congress should provide governments for the territories, saying nothing in them about slavery, but leaving to the people interested the regulation of that matter for themselves."

Sir, it may be that this was intended for irony; but if it was not, I do not think I use too strong language, when I characterize it as a gross attempt to practice upon the credulity of its readers; and that they may be enabled to form a proper estimate of the truth of the statement, I will show them what the "*true plan*—the old Democratic plan for which we have always contended"—is. The first Congress that assembled after the adoption of the Constitution, on the 7th of August, 1789, passed an act confirming the ordinance of 1787, and giving to it full force and validity. The purposes of this act clearly appear from the preamble, which is in these words:

"Whereas, in order that the Ordinance of the United States, in Congress assembled, for the government of the territory northwest of the Ohio, *may continue to have full force and effect*, it is required that certain provisions should be made to adapt the same to the present Constitution of the United States—Be it enacted," &c.

This act received the constitutional approval of Washington. Many of those who participated in its enactment had been members of the Convention that framed the Constitution, and, therefore, may be supposed to have understood its true intent and meaning.

On the 7th of May, 1800, an act was passed for the organization of a territorial government for Indiana, and *slavery expressly prohibited* therein. This act was approved by John Adams.

January 11th, 1805, the northern part of Indiana was erected into the Territory of Michigan, and *slavery prohibited*. February 3d, 1809, the Territory of Illinois was established, with the like *prohibition* as to *slavery*. These two latter acts received the approval and signature of Thomas Jefferson.

On the 20th of April, 1836, Wisconsin was organized as a territory, and *slavery prohibited* within its limits. This act was approved by General Jackson.

The Territory of Iowa was established by act of Congress of the 12th of June, 1838, under the administration of Mr. Van Buren; and here, also, was *slavery prohibited*.

On the 14th of August, 1848, the Territory of Oregon was organized, which contained the same provision in the memorable and time-honored words, "there shall be neither *slavery nor involuntary servitude* therein, except for the *punishment of crime*."

Here are a series of enactments, commencing with the ordinance of 1787, which was confirmed by Congress in 1789, under the administration of Washington, down through the administrations of Adams, Jefferson, Jackson, Van Buren, and Polk, to the year 1848, when the last territorial government was organized, covering a period of more than half a century, in which this policy of restricting the spread of slavery was steadily pursued and enforced. The constitutionality of

these enactments was not controverted at the time, nor has it ever since been called in question, until the southern test was made, that "*under no political necessity whatever,*" would they support a man in favor of the ordinance.

Not content with providing that slavery should never exist in any territory which was free from it at the time of its organization, Congress has from time to time regulated and restricted it in those territories where it had an actual existence.

By the 7th section of the act organizing a territorial government for Mississippi, passed in 1798, the importation of slaves into said territory from any place without the United States was prohibited, under severe penalties. This was ten years before Congress had the power, under the Constitution, to prohibit the importation of slaves into the States.

By act of the 26th of March, 1804, that part of Louisiana south of the Territory of Mississippi was organized into a territorial government, by the name of Orleans. By this act, the importation into said territory of slaves from abroad was prohibited, and also the importation of any slave from within the United States who should have been brought into the country since the 1st of May, 1798, or who should thereafter be brought into the United States. It further provided that no slave should be brought into said territory, except by a citizen of the United States, who should remove there for actual settlement, and who should at the time be the *bona fide* owner of such slave; thus directly interdicting the domestic as well as the foreign slave trade in this Territory of Orleans. This act was approved by Jefferson.

On the 6th of March, 1820, an act was passed "to authorize the people of Missouri to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain territories."

By the 8th section of that act it was provided, "that in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act, *slavery and involuntary servitude*, otherwise than in the punishment of crimes whereof the party shall have been duly convicted, shall be, and the same is hereby, *forever prohibited.*"

This act, as also the ordinance of 1787, actually abolished slavery—a thing we do not now propose to do. Slavery existed in parts of the northwest territory, and in Louisiana the law of slavery at the time of the cession from France covered the entire territory, from the Gulf of Mexico to the parallel of the forty-ninth degree of north latitude, and west to the Rocky Mountains. The Missouri compromise was in harmony with the settled policy of our Government. It restricted and narrowed the limits of slavery.

Thus, sir, commencing with the celebrated ordinance of '87, down to the year 1848, this Government has exercised full and exclusive jurisdiction over the question of *slavery* in the territories. And yet the people of Michigan are to be told, that "the old Democratic plan" is, "to say nothing about slavery in the territories." Sir, this specious pretext of leaving to the people of the territories the regulation of that question, was never adopted. Sovereignty only appertains to *organized States*.

It is that power which prescribes laws, and to which it is required to yield obedience. This power no more resides in a territory, than it does in a county or a township in the State of Michigan; the people in the smallest township might as well claim to make laws, as the people in a territory. They are high prerogatives, which, in the case of a township, belong to the State; in the case of a territory, they belong to the only sovereign, the United States. Nor, Mr. Chairman, was the remark of the distinguished Senator from Michigan, in his speech, in which he says, "all the territories have been governed upon this general principle of congressional jurisdiction, leaving to the *people* to be affected by them, the passage of laws suited to their condition" perfectly accurate. For *eighteen years* the people of the Territory of Michigan had neither a voice in the passage of laws, nor in the selection of the *persons* to administer them. For eight years out of the sixteen, of which the Senator himself was governor, he, in conjunction with three judges, (all of them holding their places without the constitutional authority, as he now admits,) arbitrarily imposed upon that people a code of laws, which extended down to the "private relations of husband and wife, parent and child," and in which the people had not a word to say. Fortunately for them, it was a mild and beneficent code, suited to their wants and condition. Fortunate was it also for them, that this *new light*, of the power of Congress only to legislate in relation to *land* in the territories had not broken upon them. Mr. Chairman, having shown satisfactorily, I trust, that in proposing to exclude slavery from these new possessions acquired on our southwest border, we are only walking in the footsteps of the patriots and statesman who have preceded us, why should we hesitate to act? Every southern man voted to exclude slavery from the Northwest Territory. Why should we linger against guarding the Southwest from its intrusion? Is it because we are alarmed at the threats for the dissolution of the Union? Was it to propagate human slavery that this Union was formed? If southern men should undertake to carry out their treasonable designs, what would be the record of their wrongs upon which they would ask the judgment of the world? "The people of the North refuse to acknowledge that 'slavery is a great blessing—a blessing to the master and a blessing to the slave'—and refuse to aid us in its extension; therefore we declare this Union to be dissolved." This would be the summary of their wrongs—for this they would dissolve the Union. Sir, does it become northern statesmen to stand here trembling in their shoes at these croakings and bullying threats of desperate bravadoes? Are we, the representatives of the great free North so weak, or so timid as to be frightened from our principles and our purposes, because treason is rife in the land? Shall we submit to slavery dictation? Shall we encourage them in their insolence, by publishing to the world our fears? No, sir, let the same spirit animate us which was so nobly expressed by General Cass two years ago, when our country was involved in a foreign war, and the patriotism of our people was invoked to raise the men and the money to bring it to an honorable conclusion. Then he thus spoke:

"Mr. President, it gives me great pain to hear any allusions to the dissolution of this Confederacy, and of all the places in this Republic, this high place should be the last, in which they should be expressed. *The Constitution is in no danger.* It has survived many a shock, and it will survive many more. It is yet fresh in its strength. No infirmity has come to tell us, that its

dissolution is near. It is no longer an experiment, but experience—no longer a promise, but performance. It has fulfilled all, and more than all its most sanguine advocates dared predict. It is at this moment stronger in the affections of the American people, than at any other period of its existence. Like the cliff of eternal granite which overlooks the ocean, and drives back the ceaseless waves that assail its base, so will the Constitution resist the assault that may be made upon it—come how or when or whence they may.”

These were the eloquent, courageous words of a statesman, which found a ready response in the hearts of the people. They were uttered at a time when a strong party organization was opposed to the prosecution of the war. Now that the war is over, when nothing agitates the country but the simple question of organizing governments for the acquired country, cannot the Constitution stand as rude a shock? And was not the same distinguished Senator frightened from his propriety, and does he not tamely surrender to the dictation of an insolent minority, when he writes for publication, sentiments like the following?

“Whatever impressions may prevail elsewhere, I suppose there is no intelligent observer at the seat of Government who is not seriously disturbed at the present state of things. Whether the danger is greater or less, nearer or more remote, are questions about which men may differ; but I know no lover of his country who does not view the crisis as an *alarming* one, and does not see, in the signs of the times, the approach of one of those political convulsions which, if not averted by wise and timely measures, may be fatal to us, and to the cause of freedom throughout the world.

“The Union is in danger! The first step towards safety is, to believe that the danger exists; and when the watchman asks, ‘What of the night?’ he who does not sound the alarm, is neither true to his own duty, nor to the interests of those who have committed a part of the fortress of their liberty to his keeping.”—*February 13, 1850.*

Sir, in the days of Andrew Jackson this Union was *really* in danger. Then a sovereign State threatened to nullify the laws, and prepared to carry that threat into execution. But the brave old soldier, who had met the enemies of his country, and saved the beauty and booty of New Orleans, nothing daunted, issued his mandate: “*The Union—it must, and it SHALL be preserved!*” Those memorable words produced a talismanic effect; and the disturbers of the peace—the agitators, the nullifiers, *quailed* before the flash of his undaunted eye, and his imperious will. These same agitators—these same nullifiers—threaten the peace of the Union now. Shall we tamely surrender? Shall a slaveholding minority always control the destinies of this Republic? Shall that cursed institution be permitted to march on, like a resistless current, across the continent? Do they not already possess much the larger and better portion of the soil of these States? The treasures of *freemen* were freely given to acquire this new territory—why should it not remain the abode of freemen? The blood of *freemen* was freely poured out to enrich its soil—why should it be polluted with the sweat of the slave?

Mr. Chairman, the Union is in no danger. The will of the majority must be obeyed; the free soil of the country must be preserved as the inheritance of the free laborer and his children. If their Representatives are faithless to the trusts confided to them, the people must rally in their might, and assert their rights and their true dignity. California—the free State of California—must be admitted; and if all other leaders desert us, the intrepid BENTON is here—the same who grappled with, and triumphed over, the monster United States Bank; the same who so perseveringly guarded the fame of Andrew Jackson, and carried the “expunging” resolutions; the same who labored so zealously to give the people a sound specie currency, by the passage of the gold bill; the

same who has always fearlessly denounced nullification, whenever it has shown its demon-head, as he does now, in the following extract:

"The time has gone by for holiday *professions* in favor of the Union—the time has come for works. The condition of the country requires new tests for the Democratic party. Repudiation of the Nashville Convention—repudiation of nullification and disunion, as remedies for political evils—submission to the laws of the land until repealed by the people or invalidated by the Judiciary. These are the tests which the times require, and no communion with any one who will not adopt them and work up to them."

Mr. Chairman, a brighter day will soon dawn upon us. This deep-seated hostility, this desperate opposition to the admission of the free State of California, is one of the dying throes of the slave power. It has controlled the destiny of this country. It has dispensed its patronage. It has grasped the executive, judicial, and diplomatic functions of this Government. Our northern politicians have bowed down before its shrine and worshipped; and it has moulded them like clay in the hands of the potter. But its dream of a great slave mart on the shores of the Pacific will never be realized—henceforth it is shorn of its power. The fiat of the people has gone forth. "No new slave territory, no new slave States," is the popular cry; and he lingers far behind the progressive spirit of the age who doubts its literal fulfillment. Henceforth, as in California, new countries are to be seized and controlled by free labor, and its dignity will be asserted. Let us hope that slavery, the only stigma upon our great Republic, the living libel upon the Declaration of Independence, will gradually disappear, and that the day will soon come when the buying and selling of human beings will be known only like religious intolerance, or the burning of witches, or the African slave trade—among the things which an enlightened age condemns.

Mr. Chairman, I have spoken frankly and earnestly the promptings of my judgment and my heart. If, upon this momentous question, it is my fortune to differ with others, I have no disposition to question the purity of their motives or the sincerity of their patriotism. Coming, as I do, from the laboring classes, I should have failed to discharge my whole duty if I had not spoken and acted, when I thought their interests in jeopardy. As the representative of free white laboring men, I mean to defend their rights. I have no desire for political preferment. I have no ambition for fame. I shall be content if I leave no stain upon my memory; and if hereafter my descendants should, perchance, refer to the records of these proceedings, I trust it will inspire them with an honest pride, to be able to say "*He opposed the extension of slavery.*"

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